

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION**

MEMPHIS BASKETBALL, LLC,

~~—~~ **Petitioner,**

~~vs~~ VS.

MISC. NO.

2:23-mc-00028

SETON HALL UNIVERSITY, KEVIN
WILLARD, TONY TESTA, DEJA CRAIG,
JOHN OR JANE DOES 1-10,

Respondents.

**CONSENT ORDER OF
DISMISSAL**

Before the Court is Petitioner, Memphis Basketball, LLC's ("Memphis Basketball"), Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. ~~4~~1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14).

On July 14, 2021, Myles Powell filed suit against Seton Hall University, Kevin Willard, and Tony Testa (collectively the "Respondents") in the Superior Court of New Jersey, Essex County Civil Division (the "Underlying Case"). The Underlying Case was removed by Respondents to the United States District Court for the District of New Jersey, where it was assigned as Case No. 2:~~21~~21-cv-13709- WJM-JSA. On February 8, 2023, a protective order (the "Protective Order") was entered in the Underlying Case On July 13,

2024, Respondents served Memphis Basketball with a subpoena duces tecum

(the “Subpoena”) from the Underlying Case. Pursuant to Fed. R. Civ. P. 45, Memphis Basketball moved to quash the Subpoena. In response, Respondents moved to transfer the

Petition to Quash

to the United States District Court for the District of New Jersey, or alternatively, compel Memphis Basketball's compliance with the Subpoena.

By agreement of the parties, iti order to protect the highly confidential and trade secret aspects of Memphis Basketball's player evaluation processes, Memphis Basketball will produce certain redacted ~~documents, which have been reviewed and agreed to by Respondents~~ scouting reports, marked "Attorney's Eyes Only," pursuant to the Protective Order, which redact all evaluation criteria, but contain summary assessments, and are dated prior to the November 2020 NBA Draft. Accordingly, by consent, Memphis Basketball has complied with the Subpoena, as narrowed during the meet and confer process and summarily described above, and Memphis Basketball's Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. ~~4~~1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14) are ~~all~~ moot and DISMISSED.

IT IS SO ORDERED, this _____ day of September, 2023.

SHERYL H.
LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED BY:

/s/ Richard Glassman

~~RICHARD GLASSMAN (TN # 7815)~~

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